

Administrative Procedure A: Bullying, Harassment, and Discrimination - Students
(Attachment for Policies 103, 248, and 249)

Purpose

The Board of Education (“Board”) is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students. The purpose of these procedures is to maintain an educational environment in which bullying, discrimination, and harassment in any form is not tolerated and to establish procedures for handling complaints of bullying, harassment, and discrimination.

Definitions

For the purposes of these procedures, terms are defined as follows:

Bullying: An intentional electronic, written, verbal, nonverbal, psychological, or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:

1. Substantially interfering with a student’s education;
2. Creating of a threatening school environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying is characterized by the following three (3) criteria:

1. It is aggressive behavior or intentional harm doing.
2. It is carried out repeatedly over time.
3. It occurs between people where there is an imbalance of power (e.g. physical strength, mental capacity, popularity, or social skills).

Bullying can take many forms and can include a variety of behaviors. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;
2. Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;
4. Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and
5. Cyberbullying – any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: A school-based staff person who receives reports of incidents of alleged bullying, harassment, or discrimination; conducts investigations; and determines whether an allegation is substantiated.

Complainant: Any individual who is alleged to be the victim of bullying, harassment, or discrimination.

Discrimination: To treat individuals differently or to harass or victimize based on a protected classification including race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Harassment: Verbal, nonverbal, written, graphic, virtual or physical conduct relating to an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification.

Harassment includes unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when:

1. Such conduct is sufficiently severe, persistent, or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of their race and sexual orientation.

Respondent: Any individual who is reported to be the perpetrator of conduct that could constitute bullying, harassment or discrimination.

School setting: In the school; on school grounds; in school vehicles; at a designated bus stop; or at any activity sponsored, supervised, or sanctioned by the school.

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following: [\[18\]](#)

- A District employee conditioning the provision of an aid, benefit, or District service on an

individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*;

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.

Title IX sexual harassment complaints are investigated in accordance with [Administrative Procedure B: Title IX Sexual Harassment](#).

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Examples of conduct on the basis of sex or gender include but are not limited to, sexual propositions; making unwanted sexual remarks in person or online, touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature. Whether alleged conduct arises to sexual misconduct or Title IX sexual harassment will depend upon the totality of the circumstances. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Procedures

The District will follow the procedures below regardless of whether the alleged bullying, harassment, or discrimination also is being investigated by another agency, including law enforcement, unless particular procedural steps would directly impede a criminal investigation. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant(s) and the school community and the avoidance of retaliation.

Any person, whether the alleged Complainant or not, may submit a complaint alleging bullying, harassment, or discrimination by any means that results in the Compliance Officer/Title IX Coordinator receiving the person's verbal or written complaint including:

1. Completing the [online Bullying, Harassment/Discrimination Reporting form](#);¹
2. Calling the Bullying/Harassment hotline at 215-400-SAFE;
3. Submitting a complaint via [Safe2Say](#);²
4. Emailing the Compliance Officer/Title IX Coordinator directly at antiharassment@philasd.org; or
5. Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants

¹ The online Bullying, Harassment, and Discrimination Reporting Form is available at <https://pareporting.hibster.com/Pages/Home.aspx?id=241>

² The Safe2Say complaint form is available at safe2saypa.org

(BCAs), coaches, and administrators.

A report may be made at any time, including during non-business hours. Complaints will be treated the same, regardless of whether they are made verbally or in writing.

Any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of [Policy 103](#) - Nondiscrimination in School and Classroom Practices; [Policy 248](#) - Harassment of Students; or [Policy 249](#) - Bullying/Cyberbullying or other applicable Board policy related to discrimination shall immediately complete the [online Bullying, Harassment, and Discrimination Reporting form](#); report the incident to the building principal or designee; and properly make any mandatory police or child protective services reports required by law. The person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of applicable Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party, or employee shall report the incident directly to the Compliance Officer/Title IX Coordinator.

The building principal or designee shall be responsible to complete the following duties:

1. Notify the parent or guardian of the Complainant and Respondent of the complaint
2. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Parents/Guardians have the right to act on behalf of their student who is a Complainant, Respondent, or witness at any time.

NOTE: It is critical that school employees who witness behavior that may constitute bullying, harassment, or discrimination or who receive a complaint determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Assessment

All reports of bullying, harassment, or discrimination shall be reviewed by the Compliance Officer/Title IX Coordinator, who shall conduct an assessment to determine whether the reported conduct falls within the scope of [Policy 103](#) - Nondiscrimination in School and Classroom Practices, [Policy 248](#) - Harassment of Students, [Policy 249](#) - Bullying/Cyberbullying, another Board policy, or the [Code of Conduct](#)³ and shall determine whether to assign the complaint to the school's bullying designee or to the appropriate individual in the central office to investigate the allegations and offer supportive measures.⁴

³ The Code of Conduct (attachment to Policy 218) is available at <https://www.philasd.org/schoolboard/policies/>

⁴ Examples of relevant Board policies include, but are not limited to, policies 102, 103, 103.1, 104, 113.1, 218, 234, 247, 248, 249, 252, 348, and 906.

If the assigned investigator has a personal relationship with any person substantially involved in the conduct that is the subject of the investigation or believes their role as investigator may constitute a conflict of interest they shall immediately notify the Compliance Officer/Title IX Coordinator who will reassign the investigation if they determine that a conflict may exist.

If the reported conduct, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the Compliance Officer/Title IX Coordinator shall ensure that the complaint is addressed through [Administrative Procedure B: Title IX Sexual Harassment](#).

The assigned investigator shall take immediate and appropriate action to conduct an investigation which shall be completed within seven (7) school days from the reporting of the complaint. Extenuating circumstances for not able to comply with the deadline must be approved by the Compliance Officer/Title IX Coordinator. The extension must be a specified period of time not exceeding fourteen (14) school days unless approved by the Compliance Officer/Title IX Coordinator, and must be communicated to the Complainant.

The Complainant shall not be required to meet face-to-face with the Respondent. The obligation to conduct this investigation shall not be negated by the fact that the Complainant cannot identify the Respondent. The limited English proficiency of a Complainant, witness, or the Respondent is not an acceptable reason for failure to secure a statement from them.

To determine whether the alleged bullying, harassment, or discrimination occurred the investigator shall:

1. Conduct individual interviews with the Complainant, the Respondent, and others with knowledge relative to the incident. The investigator shall also evaluate any other information and materials relevant to the investigation.
2. Attempt to secure statements and other evidence from all participants in, and witnesses to, the incident(s).
3. Offer interpretation and/or translation services when a student with limited English proficiency is a party or witness to a complaint.
4. Ensure that Complainants and Respondents have been offered supportive measures and notified of available resources, such as counseling, health, and mental health services, and, if applicable, their right to file a complaint with local law enforcement.
5. Follow all district guidelines and training to conduct a thorough and unbiased investigation.

Based upon their investigation, the investigator shall determine whether the alleged conduct is found to be a violation of a Board policy or policies or [Code of Conduct](#) and notify the parents as set forth below under Parental Notification. If the investigator is a central office investigator they or the Compliance Officer/Title IX Coordinator also shall notify the principal and bullying designee regarding the outcome.

The investigator shall document the investigation in *HIBster*, including a determination of whether the complaint has been substantiated as factual and whether the alleged conduct is founded or unfounded, based on a preponderance of the evidence. If the investigator does not have access to *HIBster*, the investigator shall coordinate with the Compliance Officer/Title IX Coordinator who will enter the information into *HIBster*.

Notification of Outcome

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan (“IEP”) or a Section 504 Plan, the principal or bullying designee must notify the student’s IEP Team or Section 504 Team.

Unless it is clear from the investigation that there was no effect on the student with a disability’s receipt of a Free and Appropriate Public Education (“FAPE”), the appropriate team must convene to make a determination of whether and how the student’s IEP or 504 plan should be amended and the extent to which additional or different services or evaluations are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

Founded complaints: Parents/guardians of the Complainant and Respondent(s) shall be notified in writing, and the following steps shall be taken by the Principal/Bullying Designee or Compliance Officer/Title IX Coordinator:

1. The parent/guardian(s) of the Complainant will be informed of the specific steps that the school will take to intervene in the reported behavior(s), monitor future conduct, and protect the Complainant from reprisal or retaliation.
2. The parent/guardian(s) of the Complainant and the Respondent will be invited to participate in the development of an intervention plan for their respective child, when appropriate, and provided a copy of that plan if one is created. Each intervention plan must also be documented in the Infinite Campus Student Information System
3. The parent/guardian of the student Respondent will be informed of any proposed consequences as stipulated in the [Code of Conduct](#).

Unfounded complaints: Parents/guardians of the Complainant and Respondent(s) shall be notified in writing of the type of incident that occurred as well as the specific steps that the school will take, regarding their child, to address the complaint and monitor future interactions. This communication will notify the parent/guardian of the basis for the District’s decision (i.e. mutual conflict) and the availability of an appeal process. This notification shall also encourage ongoing communication with District staff.

District Action

If the investigation determines that the Respondent engaged in conduct that constitutes a violation of [Policy 103](#) - Nondiscrimination in School and Classroom Practices, [Policy 248](#) - Harassment of Students, [Policy 249](#) - Bullying/Cyberbullying, or another Board policy, the District shall take prompt and effective steps reasonably calculated to end the bullying, harassment, or discrimination; eliminate any hostile environment; remedy the discriminatory effect on the Complainant; and prevent the behavior from recurring.

Behavioral Interventions/Supportive Measures

Schools must provide intervention and support to Complainants, Respondents, and/or witnesses to address acts of bullying, harassment, or discrimination. Possible interventions include, but are not limited to, the following actions:

1. Parent/student conferences;
2. Offer of one-to-one counseling with appropriate professional staff;
3. Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;
4. Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the Complainant; and
8. Daily report.

Disciplinary Action

While all founded incidents of bullying, harassment, or discrimination require intervention, some incidents may require disciplinary action/consequences for the Respondent(s). Appropriate disciplinary action/consequences for persons engaging in acts of bullying, harassment, or discrimination; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying, harassment, or discrimination. A range of disciplinary actions/consequences are set forth in the [Code of Conduct](#), [Employee Code of Ethics](#),⁵ Collective Bargaining Agreement, or applicable Board policy.

Appeal Procedure

If the Complainant or Respondent is not satisfied with the finding of the investigation, a written appeal may be filed using the appeal form. The appeal form must be received by the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the date of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker in that

⁵ The Employee Code of Ethics (attachment to Policy 300) is available at <https://www.philasd.org/schoolboard/policies/>

office. Information about the appeal process, including the required appeal form, is available on the Office of Student Rights and Responsibilities' [webpage](#).⁶

Central Office Support

In the event that the District fails to investigate a complaint, or a parent/guardian has not received notification of the outcome of an investigation, or if the reported conduct continues after an investigation has concluded, support may be requested by calling the Office of Family and Community Engagement (“FACE”) at 1-215-400-SAFE. FACE will notify the District's Compliance Officer/Title IX Coordinator who will address the concern. Parents/guardians may also email bullying@philasd.org or antiharassment@philasd.org.

Exceptions to our policy of always prioritizing educational continuity may be considered as a last resort where all other options have been expended.

Data Reporting Regarding Bullying Complaints

The Office of Student Support Services will post on its website annually the number of bullying and harassment complaints filed as well as the number of complaints found to constitute bullying or harassment by school or network.

Maintenance Schedule

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.

⁶ The Office of Student Rights and Responsibilities' webpage is available at <https://www.philasd.org/studentrights/>